

Application No. 10/056,216

REMARKS

The Examiner rejected previously pending claims 1-6, 10-11, and 14 as being anticipated by Harb, and objected to claim 20 for reasons unrelated to patentability. The Examiner indicated that dependent claims 7-9, 12-13, 15 and 16 would be allowable but for the fact that they depended on a rejected base claim. Claims 17 – 20 were allowed.

After entry of this amendment, claims 10 and 11 will be cancelled, claims 12 and 14 will have been rewritten into independent form and claim 20 will have been amended to correct semantic problems objected to by the Examiner.

Applicants respectfully request reconsideration of the application as amended.

CLAIM OBJECTIONS

The Examiner objected to claim 20 because, according to the Office Action, in line 11 of claim 20, "within a frame" should be -- within a second frame --; in line 11, the "locking member" should be – locking plate – in order to make it consistent with the "said locking plate" in line 16. Claim 20 is amended to incorporate the suggestions of the Examiner. The amendments are not being made in response to a rejection based on patentability and are not intended to narrow the scope of the claim. Therefore, applicants respectfully request withdrawal of the objection to claim 20.

For reasons stated below in this Response, Applicants respectfully submit that claims on which claims 7-9, 12-13, 15, and 16 are based are allowable. Consequently, these claims have not been amended to independent form.

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SECTION 102 (b) REJECTIONS

The Examiner rejected claims 1-6, 10, 11, and 14 as being unpatentable under 35 U.S.C. §102(b) as being anticipated by Harb U.S. Patent No. 6052974 (hereinafter *Harb*). Claims 10 and 11 have been cancelled. Applicants respectfully traverse the rejection of claims 1 and 14 as being in error and request that it be withdrawn.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegai Bros. vs. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed Cir. 1987).; M.P.E.P 2131.

Independent claim 1 requires a "carrier" that rotates a spindle, and a "ground contacting member" that rotates independently of the spindle. *Harb* disclosed only a "trimmer head" 10 that carries cutting line and rotates with the spindle. The examiner states that it has a "curved/semispherical (design choice; cl. 2-3) shaped ground contacting member independent of the spindle." This is simply not true. The trimmer head clearly rotates with the spindle. *Harb* makes no mention that his ground contacting member rotates independently of the spindle. Indeed, it is an integral part of the head.

Turning to claim 14, *Harb* does not disclose or suggest a "a frame on which the locking member is mounted for sliding toward and away from the spindle." The head of *Harb* is locked to the spindle by means of bolts 26 screwed into threaded attachment holes 24. See col. 6, lines 46, to col. 7, line 5. The bolts must be turned to allow adjustment. See col. 7, line 3. *Harb* therefore does not disclose a locking member that slides toward and away from the spindle.

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It is respectfully submitted that the examiner has either misread claims 1 and 14 or is speculating on what *Harb* teaches. Therefore, in view of these errors, withdrawal of the rejection of claims 1 and 14 are respectfully requested. Furthermore, given the erroneous application of *Harb* to claim 1, the rejection of claims 2-6 depending from claim 1 must also be in error for at least this reason. By choosing not to address the rejection of each dependent claim separately, applicants do not concede that the reference meets the limitations of the dependent claims.


CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of the application and allowance the application.

The Commissioner is hereby authorized to charge \$88.00 to Deposit Account 13-4900 of Munsch Hardt Kopf & Harr, P.C. for payment of an additional independent claim. The Commissioner is also authorized to charge any deficiency payments or credit any overpayments associated with this communication to said deposit account.

Respectfully submitted,

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